

**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, D.C. 20554

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John M. Spencer  
Leibowitz & Spencer  
1000 Connecticut Avenue, N.W.  
Suite 500  
Washington, D. C. 20036

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Mr. Spencer:

This is in response to the petition for rule making which you submitted to the Commission on behalf of Town and Country Communications, Inc., licensee of Station KZMO-FM, California, Missouri. You request the substitution of Channel 232C1 for Channel 232A at California, Missouri, and modification of the license for Station KSMO-FM to specify operation on the higher class channel.

We have reviewed your proposal and find that it is unacceptable for rule making at this time. As you are aware, your proposal is dependent upon the deletion of Channel 232A at Rolla, Missouri, as proposed in MM Docket 91-181. See 6 FCC Rcd 3727 (1991). Although a joint settlement agreement has been filed in that proceeding, a final order has not been adopted. Our policy is to return petitions for rule making that are dependent upon final action in another rule making proceeding, particularly when that proceeding is contested, as is MM Docket No. 91-181.

Based on the above discussion, we are returning your petition for California, Missouri.

Sincerely,

Michael C. Ruger  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

Enclosure

bcc: Office of the Secretary (2 copies)  
Room 222 Petition filed Nov. 6, 1992

Missouri/Letter

NOV 19 1992  
U.S. DEPT. OF JUSTICE

**LEIBOWITZ & SPENCER**  
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

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November 5, 1992

Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: Petition to Amend FM Table of Allotments  
California, Missouri  
Our File No. 79020

Dear Ms. Searcy:

On behalf of Town and Country Communications, Inc., licensee of station KZMO-FM, California, Missouri, enclosed please find an original and four copies of a petition for rule making to amend the FM Table of Allotments as follows:

- (a) substitute channel 232C1 for channel 232A at California, Missouri, and
- (b) modify the license of KZMO-FM to specify operation on channel 232C1 at California, Missouri.

If any additional information is desired, please communicate with the undersigned.

Respectfully submitted,

  
John M. Spencer  
Counsel for  
Town and Country Communications, Inc.

Encl. (5)

JMS:hs

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

In the Matter of	)	
	)	
Amendment of Rule 73.202(b)	)	RM-
Table of Allotments,	)	
FM Broadcast Stations	)	
(California, Missouri)	)	

TO: Chief, Allocations Branch

PETITION FOR RULE MAKING

1. Town and Country Communications, Inc. ("T&C"), by its attorney and pursuant to Rules 1.401 and 1.420, hereby petitions the Commission to amend the FM Table of Allotments as follows:

- (a) Substitute channel 232C1 for channel 232A or 232C2 at California, Missouri,<sup>1,2</sup> and
- (b) Modify the license of KZMO-FM to specify operation on channel 232C1 at California, Missouri.

In support whereof, the following is submitted.

---

<sup>1</sup> T&C is the licensee of station KZMO-FM, which operates on channel 232A at California, Missouri. An upgrade to channel 232C2 is believed imminent in MM Docket No. 91-181 as a result of a settlement agreement recently reached and filed with the Commission. By this petition T&C seeks to further improve the facilities of KZMO-FM as a class C1 station.

<sup>2</sup> Channel 232C1 requires a site restriction approximately 45 kilometers southeast of California. As discussed in paragraph 7, infra, T&C's engineer has suggested a reference site at North Latitude 38°16'36" and West Longitude 92°17'18".

2. Public interest factors. California is centrally located in and is the county seat of Moniteau County, Missouri. The 1990 Census showed populations of 3,465 for California and 12,298 for Moniteau County. KZMO-FM is the only full-time aural broadcast service licensed to Moniteau County.<sup>3</sup>

3. T&C's pending C2 proposal was intended to extend KZMO-FM's service area to two nearby major employment centers for California residents: state offices in Jefferson City, and businesses serving the Lake of the Ozarks recreation area. The C2 gain area would include large portions of three adjacent counties, Cole, Miller and Morgan, which are entirely or mostly outside the class A 60 dBu service contour and have relatively little local radio service.<sup>4</sup>

4. The C1 upgrade proposed herein would permit an additional major service extension to the south and southeast. It would further increase coverage of Miller and Morgan Counties, and would add significant portions of six other counties<sup>5</sup> as well:

<u>County</u>	<u>1990 Population</u>
Camden	27,495

---

<sup>3</sup> Commonly owned class D AM station KZMO is the only other transmission service in Moniteau County. It is also licensed to California.

<sup>4</sup> The 1990 populations of Cole, Miller and Morgan Counties were 63,579, 20,700 and 15,574, respectively.

<sup>5</sup> In addition it would reach portions of Benton, Callaway, Crawford, Dallas and Hickory Counties.

Gasconade	14,006
Laclede	27,158
Maries	7,976
Phelps	35,248
Pulaski	41,307

The class C1 service area would include the U.S. Army's Fort Leonard Wood (in Pulaski County) and the University of Missouri (at Rolla, in Phelps County).

5. Three of these six counties have very little local radio service:

Camden County -- KFXE(AM), Camdenton, 1520 kHz, class D  
KCVO-FM, Camdenton, 91.7 MHz, class C3

Gasconade County -- KLZE(FM), Owensville, 95.3 MHz, class C2

Maries County -- no local transmission service.

6. In addition, the requested C1 facilities would provide primary service to the entire Lake of the Ozarks recreation area, rather than just the northern portion that could be served by class C2 facilities.

7. **Technical factors.** As set out in the attached Declaration of Thomas J. Johnson, channel 232C1 can be allotted to California in full compliance with the requirements of Part 73, Subpart B of the Commission's Rules. (Mr. Johnson's study assumes a location at North Latitude 38° 16' 36", West Longitude 92° 17' 18".)

Operating as proposed, the station would meet all spacing requirements and would provide 70 dBu service to all of California.

8. Conclusion. Accordingly, T&C asks the Commission to initiate a rule making looking toward (a) the following amendment to the FM Table of Allotments:

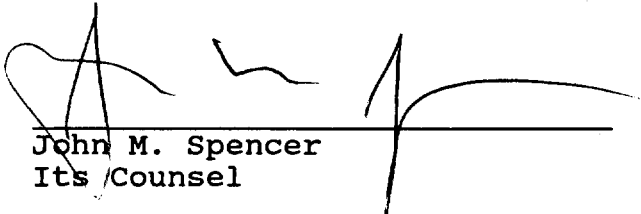
	<u>Present</u>	<u>Proposed</u>
California, Missouri	232A	232C1

and (b) modification of the license for KZMO-FM, California, Missouri, to specify operation on channel 232C1. If this amendment is made, T&C intends to promptly file an appropriate application to implement the upgraded allotment at California.

Respectfully submitted,

TOWN AND COUNTRY COMMUNICATIONS, INC.

By:

  
John M. Spencer  
Its Counsel

Leibowitz & Spencer  
One S.E. Third Ave., Suite 1450  
Miami, Florida 33131

(305) 530-1322

November 5, 1992

## DECLARATION

Prepared For

Town And Country Communications, Inc.

Station KZMO-FM, California, Missouri

Thomas J. Johnson says that he is an engineer and Vice President of Lechman & Johnson, Inc., Telecommunications Consultants, with offices located at 16201 Trade Zone Avenue, Suite 106, Upper Marlboro, Maryland, and that his qualifications are a matter of record with the Federal Communications Commission.

That the firm of Lechman & Johnson, Inc. has been retained by Town And Country Communications, Inc., licensee of Station KZMO-FM, California, Missouri, to prepare this Engineering Statement in support of a Petition For Rule Making to amend the Table of FM Assignments, Section 73.202(b), to allocate Channel 232C1 to California, Missouri in lieu of Channel 232A. It is proposed to amend the Table of FM Assignments as follows:

<u>Community</u>	<u>Present Allocation</u>	<u>Proposed Allocation</u>
California, Missouri	232A <u>1/</u>	232C1

A channel study was made to determine whether an upgrade could be made on the KZMO-FM authorized channel which would comply with the Commission's minimum separation requirements of Section 73.207 of the Rules and Regulations. This study showed that Channel 232C1 would meet these separation requirements. The reference coordinates relied upon are as follows:

North Latitude: 38° 16' 36"  
West Longitude: 92° 17' 18"

Table I is a list of existing stations, applications, allocations and proposed rulemakings of co-channel and adjacent channel assignments pertinent to allocating Channel

1/ Under consideration before the FCC is a petition for rulemaking to upgrade this channel to Channel 232C2.

LECHMAN & JOHNSON, INC.

Declaration

Thomas J. Johnson

Page Two

232C1 to California, Missouri. The tabulation of distances shown in this Table were calculated by the methods prescribed in Section 73.208 of the Commission's Rules and Regulations, using the above reference point.

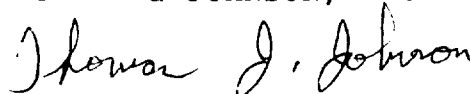
Figure 1 is a map showing the reference site and depicting the area where a station operating on Channel 232C1 could be located and meet all the separation requirements. Within this area, which consists of 16 square kilometers, a transmitter site can be chosen to provide principal community service field strength of 3.16 mV/m (70 dBu) over the entire city of California, Missouri.

A Class C1 facility may operate with maximum facilities of 100 kW ERP and antenna HAAT of 299 meters. With these facilities, the predicted distance to the 70 dBu (principal community) contour will extend to a distance of 50 kilometers. Section 73.315(a) of the FCC Rules And Regulations requires that the 70 dBu contour must encompass the boundaries of the principal community to be served. As shown in Figure 2, operation from the reference site with 100 kW ERP and 299 meters HAAT, the proposed operation will provide the requisite coverage to California, Missouri in accordance with the provisions of Section 73.315(a) of the FCC Rules And Regulations.

The results of these studies show that Channel 232C1 can be assigned to KZMO-FM, California, Missouri consistent with the requirements of the Commission's Rules and Regulations.

I declare under penalty of perjury that the foregoing is true and correct.

LECHMAN & JOHNSON, INC.



Thomas J. Johnson  
Telecommunications Consultant  
October 26, 1992

LECHMAN & JOHNSON, INC.



TABLE I

## SEPARATION STUDY

TOWN AND COUNTRY COMMUNICATIONS, INC.  
STATION KZMO-FM, CALIFORNIA, MISSOURI

Channel 232C1 038-16-36 / 092-17-18 erp : 100.000 kw eah : 299 m

Designation =====	Channel (MHz) =====	Pertinent Allocation or Authorized Station =====	Separation Actual	(Km) Required =====
Co-channel	232A ( 94.3)	KZMO-FM, California, MO BLH-850530KJ 038-38-12 / 092-35- 5 1.75 kw / 129 m bearing from proposed = 327.28 deg	47.60	200 <u>1</u> / SHORT (-152.40 km)
Co-channel	232A ( 94.3)	KZMO-FM, California, MO RM-7696 038-38-12 / 092-35- 5 0.00 kw / 0 m bearing from proposed = 327.28 deg	47.60	200 <u>1</u> / SHORT (-152.40 km)
Co-channel	232C2 ( 94.3)	KZMO-FM, California, MO RM-7696 038-26- 0 / 092-36- 0 0.00 kw / 0 m bearing from proposed = 302.76 deg	32.32	224 <u>1</u> / SHORT (-191.68 km)
Co-channel	232A ( 94.3)	KQMX, Rolla, MO BMLH-900129KA 037-57-50 / 091-45-54 2.80 kw / 90 m bearing from proposed = 127.06 deg	57.54	200 <u>2</u> / SHORT (-142.46 km)
Co-channel	232A ( 94.3)	KQMX, Rolla, MO BMLH-910514KE 037-57-50 / 091-45-54 3.00 kw / 90 m bearing from proposed = 127.06 deg	57.54	200 <u>2</u> / SHORT (-142.46 km)

## SEPARATION STUDY

TOWN AND COUNTRY COMMUNICATIONS, INC.  
STATION KZMO-FM, CALIFORNIA, MISSOURI

Channel 232C1 038-16-36 / 092-17-18 erp : 100.000 kw eah : 299 m

Designation =====	Channel (MHz) =====	Pertinent Allocation or Authorized Station =====	Separation Actual =====	(Km) Required =====
1st Adjacent	231C3 ( 94.1)	KPCRFM, Bowling Green, MO BPH-910122IE 039-21-57 / 091-10-45 25.00 kw / 82 m bearing from proposed = 38.08 deg	154.59  CLEAR (	144  10.59 km)
1st Adjacent	231C ( 94.1)	KFKFFM, Kansas City, KS BLH-870507LI 039- 0-57 / 094-30-24 100.00 kw / 303 m bearing from proposed = 293.79 deg	209.83  CLEAR (	209  0.83 km)
1st Adjacent	233C ( 94.5)	KRXL, Kirksville, MO BLH-900604KE 040-14-34 / 092-25-42 90.00 kw / 308 m bearing from proposed = 356.89 deg	218.61  CLEAR (	209  9.61 km)
2nd Adjacent	230A ( 93.9)	Boonville, MO RM-7697 038-58-56 / 092-36- 9 0.00 kw / 0 m bearing from proposed = 340.92 deg	82.96  CLEAR (	75  7.96 km)
2nd Adjacent	230A ( 93.9)	KNCO, Columbia, MO BPH-880531MZ 038-57-21 / 092-16-24 2.20 kw / 114 m bearing from proposed = 0.98 deg	75.40  CLEAR (	75  0.40 km)

## SEPARATION STUDY

TOWN AND COUNTRY COMMUNICATIONS, INC.  
STATION KZMO-FM, CALIFORNIA, MISSOURI

Channel 232C1 038-16-36 / 092-17-18 erp : 100.000 kw eah : 299 m

Designation =====	Channel (MHz) =====	Pertinent Allocation or Authorized Station =====	Separation Actual =====	(Km) Required =====
3rd Adjacent	229A ( 93.7)	NEW, Warsaw, MO BPH-890725MF 038-20-30 / 093-21-55 3.00 kw / 87 m bearing from proposed = 274.73 deg	94.47	75  CLEAR ( 19.47 km)
3rd Adjacent	229A ( 93.7)	Warsaw, MO WINDOW OPEN 871014, 871113 038-14-58 / 093-23-26 0.00 kw / 0 m bearing from proposed = 268.54 deg	96.51	75  CLEAR ( 21.51 km)
3rd Adjacent	229A ( 93.7)	Warsaw, MO RM-7139 038-14-58 / 093-23-26 0.00 kw / 0 m bearing from proposed = 268.54 deg	96.51	75  CLEAR ( 21.51 km)

END OF STUDY

- 1/ This is the subject applicant's facility.  
2/ This station is being moved to another channel.

LECHMAN & JOHNSON, INC.

Prepared For  
TOWN & COUNTRY COMMUNICATIONS, INC.  
Station KZMO-FM Ch. 232C1 California, Missouri

FIGURE 1

REFERENCE SITE  
(N.38°16'36"/W.92°17'18")

KFKF FM

KNCO

CITY  
GRADE

LECHMAN & JOHNSON, INC.  
TELECOMMUNICATIONS CONSULTANTS  
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5 0 5 10 15 20 Statute Miles  
5 0 5 10 15 20 25 30 Kilometers

